

#### **DETAILED ACTION**

A previous OA was mailed to applicants on 8/15/08. The previous OA failed to consider the preliminary amendment of 8/31/06 canceling claims 1-13. That OA is hereby vacated and the following OA is made.

The submitted IDS and form 892 are not being provided in this OA, since they were previously provided to applicants.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

The submitted IDS documents have been reviewed and made of record.

#### ***Claim Objections***

Claims 23/14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claim 23 attempts to broaden the scope of the parent independent claims which is drawn to a recording apparatus, while claim 23 attempts to alter/broaden the scope by including the alternative capability of a reproducing apparatus.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14/23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Art Unit: 2627

As interpreted by the examiner, claim 14/23 and claim 24 are identical no patentable distinction is seen between the two.

***Claim Rejections - 35 USC § 101***

Claims 25 & 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 25 & 26 recite " ..a computer program product .... for tangible embodying a program ...  
..As disclosed on pages 17-21 of the disclosure (see paragraphs 51+) the claims as a whole are drawn to signal – i.e., the program is downloadable such as a carrier wave.

***Allowable Subject Matter***

Claims 14-22 are allowed over the art of record, because none of the cited prior art discloses or teaches in this environment the ability of " .....

recording test writing data into a data area portion with a length which is equal to or less than an allowable defect length in the predetermined error correction method, within the data area, by using said recording device...." As found in the independent claims.

..

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thur: 6:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2627

/Aristotelis M Psitos/  
Primary Examiner, Art Unit 2627